DOCID: 4165207



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

6 July 2009

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 March 2009 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.6(c) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

George Ellard
GEORGE ELLARD
Inspector General

Vito T. Potenza
VITO T. POTENZA
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEITH B. ALEXANDER
Lieutenant General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report

This document may be declassified and marked "UNCLASSIFIED/~~For Official Use Only~~" upon removal of enclosure(s)

Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20320108

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

1. (U//~~FOUO~~) **Intelligence, counterintelligence, and intelligence-related activities that violate law, regulation, or policy substantiated during the quarter, as well as actions taken as a result of the violations.**

(U) **Intelligence Activities**

~~(TS//SI//REL TO USA, FVEY)~~ **Unintentional collection against United States (U.S.) persons.** This quarter, there were [redacted] instances in which Signals Intelligence (SIGINT) analysts inadvertently targeted or collected communications to, from, or about U. S. persons while pursuing foreign intelligence tasking. All intercepts and reports have been deleted or destroyed as required by United States SIGINT Directive (USSID) SP0018.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(U) Unauthorized Targeting

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ On [redacted] occasions, selectors for [redacted] U.S. persons were tasked under consensual collection before the approval process was completed. Although the [redacted] submitted the prerequisite consensual collection forms in [redacted] the final approval had not been granted by the Director, National Security Agency (DIRNSA) prior to tasking. The NSA analyst erroneously believed OGC approval was sufficient to proceed with tasking, and did not complete the approval process. The violation was found and corrected [redacted] when the selectors were detasked. No collection resulted from the violation.

~~(S//SI//NF)~~ [redacted] NSA targeted a U.S. telephone number in error. The number passed to NSA from [redacted] was incorrect because of a typing error. NSA analysts discovered the typing error on [redacted] when [redacted] Within 30 minutes, the analysts replaced the incorrect number with the number [redacted] which was obtained through a consensual collection authorization. No collection occurred from the selector tasked in error.

(b)(3)-P.L. 86-36

(U) [redacted] Travel to the United States

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(S//SI//REL TO USA, FVEY)~~ During this reporting period, [redacted] valid foreign targets [redacted] the United States. Tasking was terminated, and collection, which occurred in [redacted] of the [redacted] instances, was purged from NSA databases. No reports were issued.

~~(TS//SI//REL TO USA, FVEY)~~ In [redacted] of the [redacted] instances of [redacted] the United States, collection between [redacted] would have been avoided had timely action been taken to research the target's [redacted] Although the analyst requested a review of the [redacted] with access to the database was on sick leave. The research, [redacted] revealed the target was in the United States as of [redacted] The selectors were detasked, related collection was deleted from an NSA

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 39480914

database on [redacted] and the analyst applied for a research account to reduce the risk of future violations.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ In another of the aforementioned collection incidents, the target entered the United States on [redacted] an NSA analyst attempted unsuccessfully [redacted] on the target selector on [redacted] A malfunction of the graphical user interface application prevented execution [redacted] or any other action. Once the database was returned to service, the analyst found that [redacted] Collection occurred on [redacted] intercepts were purged from the NSA database [redacted]

~~(TS//SI//REL TO USA, FVEY)~~ On [redacted] occasions, collection occurred while valid foreign targets were in the United States. In all instances, collection was terminated and selectors were detasked. Collection, occurring in [redacted] of the [redacted] instances, was purged from NSA databases. In [redacted] incidents, violations resulted from procedural errors.

(b)(1)
(b)(3)-P.L. 86-36

- ~~(TS//SI//REL TO USA, FVEY)~~ An NSA analyst did not confirm that the target was outside of the United States before conducting a query of an NSA database. Although the initial information appeared to show the electronic mail (e-mail) account [redacted] the analyst searched on the selector on [redacted] without the prerequisite check. Another NSA analyst found the violation on [redacted] and noted that the e-mail account [redacted] the United States. The query and associated results were deleted on [redacted] No reports were issued from that collection.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

- ~~(S//SI//REL TO USA, FVEY)~~ [redacted] an NSA analyst found a selector that should have been detasked in [redacted] The selector belonged to a foreign national [redacted] in the United States [redacted] The selector, believed to have been removed in [redacted] was noticed while an NSA analyst was prosecuting another valid foreign target. The selector was detasked on [redacted] No collection relating to the U.S. person selector has been found.

(b)(1)
(b)(3)-P.L. 86-36

## (U) Database Queries

~~(S//SI//REL TO USA, FVEY)~~ On [redacted] occasions, NSA analysts constructed poor database queries, and on [redacted] of those occasions, the queries returned results from the database. The returned results from the overly broad or incomplete queries was deleted, and no reports were issued. Procedural errors contributed to [redacted] of the [redacted] violations.

- ~~(S//SI//REL TO USA, FVEY)~~ [redacted] an NSA [redacted] analyst failed to restrict his database query with foreign target selectors, resulting in the targeting of a U.S. [redacted] without authorization. With the intention of collecting a communication, one end of which was in [redacted] the analyst mistakenly believed that he could query [redacted] for foreign intelligence purposes.

(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(b)(3)-P.L. 86-36

- ~~(TS//SI//REL TO USA, FVEY)~~ Another NSA analyst used the term [redacted] in his search for foreign intelligence related to the U.S. presidential inauguration. From [redacted] the analyst mistakenly believed that the term typed in [redacted] was permissible. The mistake, found on [redacted] was corrected that day. No collection resulted from the query.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

- ~~(TS//SI//REL TO USA, FVEY)~~ Human error resulted in the targeting of [redacted] An NSA analyst and his auditor incorrectly applied targeting guidance, resulting in [redacted] queries to an NSA database. [redacted] queries. The mistake produced [redacted] query results, which were deleted without review.

(b)(1)
(b)(3)-P.L. 86-36

- ~~(TS//SI//REL TO USA, FVEY)~~ An NSA analyst used the term [redacted] in his search for foreign [redacted] the analyst mistakenly believed that the term typed in [redacted] was permissible. The query, found by the analyst's auditor, was deleted on [redacted] and all related collection was destroyed.

(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

- ~~(TS//SI//REL TO USA, FVEY)~~ In an attempt to locate a translated intercept, an NSA analyst searched on the [redacted] of the transcribing linguist. The [redacted] violation was found by the analyst's auditor. No results were returned.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

## (U) Detasking Delays

~~(TS//SI//NF)~~ [redacted] telephone numbers remained tasked after an Attorney General authorization had expired on [redacted] The NSA analyst detasked the [redacted] selectors [redacted] on [redacted] but was not aware of [redacted] The violation was identified on [redacted] and the selectors were detasked the same day. No collection occurred between [redacted] and [redacted] A review of the incident resulted in a change in operating procedures.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ The selectors of [redacted] valid foreign targets tasked [redacted] were not removed from tasking when they were approved for targeting under Foreign Intelligence Surveillance Court (FISC) Order [redacted] Consequently, the targets' communications were intercepted [redacted] after they entered the United States in [redacted] 2008. This oversight was found during a selector review [redacted] The selectors were detasked [redacted] on [redacted] NSA analysts have not found [redacted] collection on the targets since they entered the United States.

(b)(3)-P.L. 86-36

~~(S//SI//REL TO USA, FVEY)~~ **Unintentional dissemination of U.S. identities.** There were [redacted] instances in which SIGINT analysts disseminated communications to, from, or about U.S. persons while pursuing foreign intelligence tasking this quarter. All data have been deleted or destroyed as required. In [redacted] of the [redacted] instances, SIGINT products were cancelled because they contained the identities of U.S. persons, organizations, or entities. The reports were either not reissued or were reissued with proper minimization.

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36

~~(S//SI//REL TO USA, FVEY)~~ an NSA analyst failed to minimize SIGINT before he shared the data with an analyst from the (b)(3)-P.L. 86-36 The data, included information on U.S. persons. The analyst was contacted on and he destroyed the data. No reports were issued on the disseminated data.

~~(TS//SI//REL TO USA, FVEY)~~ While NSA analysts were developing

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

~~(S//NF)~~ Information shared with analyst by an NSA analyst enabled the analyst to associate a telephone number with a U.S. person. On an NSA analyst Although the complete number was not given to the analyst, was sufficient to associate it with the owner, who is a U.S. person. (b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(U) Report Cancellation Delay

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ an NSA analyst learned from that a valid foreign target held dual and U.S. citizenship. Although the selectors were detasked on and collection was purged from NSA databases, reports generated from the unauthorized collection were not cancelled until The delay in report cancellation occurred because of a miscommunication between two analysts. Each believed the other was going to cancel the reports.

## (U) The Foreign Intelligence Surveillance Act (FISA)

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(U) Unauthorized Targeting

~~(TS//SI//NF)~~ Between collection continued on a target selector after the FISC Order, had expired. During routine selector screening, an NSA Team Leader noticed that an e-mail selector had not been specified on the new Court Order The selector was removed from and tasking on and related collection was purged from an NSA database on No reports based on unauthorized collection were issued. (b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ NSA learned that a FISC-approved selector Collection specialists analyzed the selector metadata to determine that The selector was detasked on and collection from was purged from NSA databases the same day. To reduce the risk of a recurrence, oversight

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)



procedures have been modified to include [redacted]

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ On [redacted] occasions, collection continued after FISC orders [redacted] expired. [redacted] violations were isolated on [redacted] to a malfunction between [redacted] selectors continued after the FISC [redacted] Court Order expired on [redacted] Collection between [redacted] was purged from NSA databases. The selectors were retasked under the FISA Amendments Act (FAA) [redacted] Certification [redacted] the FISC [redacted] Court Order expired on [redacted] Collection from [redacted] selectors was purged from NSA database on [redacted]

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] a NSA analyst queried an NSA database for intelligence on a U.S. person for a period not covered by FISC Order [redacted] Although the order was signed and effective as of [redacted] the analyst queried back to [redacted] The analyst terminated his query and deleted the results on [redacted] when he recognized his mistake.

~~(TS//SI//NF)~~ [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

## (U) Business Records (BR) Order

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ On 7 January 2009, while searching collection [redacted] NSA analysts found BR FISA data included in the query results. Of the [redacted] selectors used in queries, only [redacted] had been approved under the reasonable articulable suspicion (RAS) standard. Although the numbers were associated with a foreign target, the selectors had not been approved for call chaining in the BR FISA data. The analyst did not know that approval must be sought for BR FISA [redacted] call chaining. No data was retained, and no reports were issued.

(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ On 9 January 2009, an NSA analyst violated NSA call-chaining procedures when he inadvertently did an extra hop, or call-chaining expansion during a BR FISA chaining event resulting in four call-chaining expansions or hops. The Court order prohibits more than three. Immediately, the analyst realized four hops were processed, and he deleted all of the results, which were foreign.

(U) Update to previous report

~~(TS//SI//NF)~~ As reported last quarter, on 15 January 2009, the Department of Justice reported to the FISC that NSA had been using an "alert list" to compare incoming BR FISA metadata against telephone numbers associated with counterterrorism (CT) targets that NSA had tasked for SIGINT collection. The Agency had reported to the FISC that the alert list consisted of numbers for which NSA had determined that a RAS existed that the numbers were related to a terrorist organization associated with [redacted] However, the majority of selectors on the alert list had not been subjected to a RAS determination. Analysis through call-chaining was not performed unless the number met the RAS standard.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ [redacted] NSA suspended the comparison of BR FISA metadata against CT target selectors, and in the conduct of a comprehensive review, NSA identified other processes used to query the BR FISA metadata that also did not conform with the Court's orders or that were not fully explained to the Court. The review also identified some manually entered queries that were noncompliant with the Court's orders. None of the compliance incidents resulted in the dissemination of any reporting from NSA to any other department or agency. Upon discovery of these compliance incidents, NSA immediately made changes to its processes to ensure that the Agency is handling and querying the telephony metadata in accordance with the Court's orders. The corrective measures include implementation of controls that prevent any automated process from querying the telephony metadata NSA receives pursuant to the Court's orders and which also guard against manual querying errors.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ The Department of Justice filed preliminary notices of compliance incidents with the FISC on 15 January, 21 January, 26 January, 2 February, 25 February, and 31 March 2009. The FISC issued an order on 5 March 2009 allowing NSA to continue to acquire the BR FISA metadata but imposing further restrictions on use of the data until the completion of the government's end-to-end system engineering and process report. The report will include further information on steps to remedy areas of concern, oversight efforts, and minimization and oversight procedures to be employed if the FISC allows resumed regular access to the BR FISA metadata.

(U) **Pen/Trap Order**

(U) Nothing to report.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(U) **The Protect America Act (PAA)**

~~(TS//SI//REL TO USA, FVEY)~~ A delay in the review of intercept contributed to collection on a target while he was in the United States. The selector was tasked under PAA [redacted] Certification [redacted] on [redacted] but not checked by the analyst until [redacted] the United States. The query results were deleted on [redacted] No reports were issued.

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798

~~(TS//SI//REL TO USA, FVEY)~~ During a tasking record review [redacted] NSA analysts learned that [redacted] target selectors had been tasked under the wrong authority. The selectors, tasked on [redacted] had been tasked under the PAA [redacted] instead of the FAA [redacted] Certification 2008. The [redacted] selectors were retasked under the correct certification on [redacted] No collection was purged because the two certifications share the same minimization rules and database storage protections. No reports were issued.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ Human error resulted in the targeting of a dual U.S. and [redacted] citizen after an NSA analyst learned of the dual citizenship [redacted] The analyst failed to detask the e-mail address while he pursued [redacted] through an FAA 704 authorization. When this process weakness was identified [redacted] the selector was detasked. No collection occurred during the period of unauthorized targeting, and no reports were issued.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

## (U) The FISA Amendments Act

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

### (U) Tasked under an incorrect FAA Certification

~~(TS//SI//REL TO USA, FVEY)~~ During a tasking record review [redacted] NSA analysts learned that a target selector had been tasked under the wrong authority. The selector, tasked on [redacted] had been tasked under the FAA [redacted] Certification [redacted] instead of the FAA [redacted] The selector was retasked under the correct certification on [redacted] No collection occurred.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] two separate incidents were identified. An NSA analyst discovered that a selector had been tasked under the wrong authority from [redacted] Another analyst tasked a selector under the wrong authority from [redacted] Both selectors had been tasked under the FAA [redacted] Certification [redacted] instead of the FAA [redacted] Certification [redacted]

[redacted]

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ A selector for a foreign target was mistakenly tasked [redacted]

[redacted]

Apparently, the analyst used the wrong [redacted] The error was overlooked by the tasking review team. The selector was removed from [redacted] collection when the problem was identified [redacted] No collection occurred.

(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ During a tasking selector review [redacted] NSA analysts learned that a target selector had been tasked under the wrong authority. The selector, tasked on [redacted] had been tasked under the FAA [redacted] Certification [redacted] instead of the FAA [redacted] Certification [redacted] The selector was retasked under the correct certification on [redacted] No collection occurred.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

## (U) Unauthorized Targeting

~~(TS//SI//NF)~~ without FAA 705(b) authorization, an NSA intern queried target who is a U.S. citizen to determine whether he was still in The obtained from the search was deleted on No other collection resulted. The intern has completed additional formal training on database queries and has been assigned to work with senior analysts.

(b)(1)
(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ Collection occurred not specified on the FAA 705(b) authorization. an NSA analyst found that an tasked the target on The tasking was based on a report that mentioned the number belonged to an unidentified associate of a counterterrorism target. The detasked the selector and purged all related collection from NSA databases on

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ Human error resulted in the targeting of a on An NSA analyst incorrectly and tasked a selector under the FAA Certification. In addition to activity and the selector was through daily due diligence reviews of selectors. The selector was detasked on

(b)(1)
(b)(3)-P.L. 86-36

## (U) U.S. Person Status

~~(TS//SI//NF)~~ On an FAA-authorized target was using an e-mail address that The selector was detasked on and collection was purged from an NSA database on While researching the event, NSA analysts found that the target was in the United States on The event was not immediately found because of a software error. A software modification was implemented on to correct the problem. No reporting occurred from the unauthorized collection.

~~(TS//SI//NF)~~ On an FAA-authorized target was using an e-mail address that The e-mail selector was detasked on No collection resulted. Additionally, the analyst learned that the target possessed a U.S. passport, in conflict with the results of a previous NSA status request that revealed no U.S. citizenship. A second request to confirmed U.S. citizenship status on

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ NSA analysts learned that an FAA-authorized target was active in the United States on The e-mail selector was detasked on Although appropriate actions were taken to purge the data from NSA databases, the time taken to complete the action exceeded NSA's self-imposed goal of purging data within five working days. No reporting occurred.

(U) Detasking Delays

~~(TS//SI//REL TO USA, FVEY)~~ Human error caused a three-day detasking delay, which resulted in collection while the target was active in the United States. The request to terminate the FAA-authorized collection was submitted on [redacted] but the selector was not detasked until [redacted] The analyst did not [redacted] The resulting collection was purged from a NSA database on [redacted] No reporting occurred on the unauthorized collection. (b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ An NSA analyst did not detask a targeted telephone number when he discovered the [redacted] telephone number [redacted] Trying to garner intelligence on a target authorized by FAA 705b docket [redacted] the analyst kept the number on tasking to obtain information on the target's [redacted] The selector remained tasked [redacted] when the analyst was directed to detask the selector. No collection occurred during the period of unauthorized targeting. (b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ A judgment not to [redacted] resulted in collection of a foreign target while he was in the United States. An NSA analyst believed that a routine detasking request submitted on [redacted] would be completed prior to the target's [redacted] the United States on [redacted] The analyst was on sick leave [redacted] and was not able to verify the detasking action. The [redacted] intercepts obtained while the target was in the United States were purged from NSA databases on [redacted] (b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ Human error resulted in the pursuit of an FAA 704-authorized target while he was in the United States. [redacted] the e-mail selector remained tasked [redacted] The analyst from the responsible [redacted] target office was in training during the target's [redacted] to [redacted] trip to the United States. The analyst recognized the mistake on [redacted] No collection occurred as a result of the violation. (b)(1) (b)(3)-P.L. 86-36

~~(S//SI//NF)~~ A selector was not detasked during a target's [redacted] visit to a United States territory. NSA learned of the travel on [redacted] and detasked the selector on [redacted] Collection occurred before the selector was removed from tasking. That collection was purged from an NSA database on [redacted] No reporting occurred.

~~(TS//SI//NF)~~ A miscommunication between two NSA analysts contributed to collection on a foreign target after he entered the United States. When the analysts learned [redacted] the United States on [redacted] each analyst believed the other terminated collection for the duration of the visit. The mistake was found [redacted] and the selector was detasked on [redacted] were purged from the NSA databases. (b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ A communication problem resulted in delayed removal of an FAA selector from targeting while the target was in the United States. [redacted]

to the United States of an FAA 702 authorized target. The report requested detasking of the selector before [redacted]. The selector was not detasked before the e-mail selector [redacted] to the United States on [redacted]. The error was identified on [redacted] and the selector was detasked on [redacted]. Collection did not occur from the [redacted] activity. (b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ Research of an incident revealed [redacted] soon after the selector was tasked for collection [redacted]. According to NSA procedures, a target analyst should have detasked a selector when the collection demonstrated a lack of useful intelligence. Subsequently, the e-mail address [redacted] The selector was detasked on [redacted]. No collection on the target was found in NSA databases. No reports were issued. (b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

(U) Dissemination of FAA Data

~~(TS//SI//NF)~~ [redacted] unminimized collection was forwarded to [redacted] A U.S. selector was not minimized in an analyst-to-analyst exchange. When the violation was identified, the message was successfully recalled on [redacted]

(U) Destruction Delay

(b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ U.S. person data was retained [redacted] before an NSA analyst purged the data from NSA databases. The target, believed to be foreign at the time of tasking on [redacted] was found to be a U.S. citizen in [redacted]. The analyst intended to request authorization to retain the [redacted] calls collected but did not pursue the request. The collection was purged from NSA databases [redacted]. No reports were issued.

(U) **Other**

(b)(1) (b)(3)-P.L. 86-36

(U) Unauthorized Access

(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ [redacted] an NSA analyst enlisted the help of another NSA analyst for translation assistance. In doing so, FISA data was viewed at an NSA [redacted] site not authorized for the data. The [redacted] analyst recognized the mistake and deleted the data.

(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

~~(C//REL TO USA, FVEY)~~ A newly-created [redacted] with no established authority to conduct SIGINT, attempted to obtain such authority by inappropriately using a parent organization's SIGINT address to sponsor analysts [redacted]. NSA authority and directives were bypassed by [redacted]. NSA deleted the SIGINT database accounts of the [redacted] and instructed [redacted] on proper access procedures.

~~(S//SI//REL)~~ An NSA supervisor mistakenly granted SIGINT database access to a person not authorized for access. [redacted] analyst detailed to an NSA Cryptologic Center accessed NSA databases. The [redacted] analyst's NSA supervisor did not follow the documented process for

(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P L. 86-36
(b)(3)-50 USC 3024(i)

database access. Access was terminated [redacted] While the [redacted] employee had SIGINT database access, he was compliant with the intelligence oversight training mandates.

(U) Improper Storage

(b)(1)
(b)(3)-P L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

~~(TS//SI//REL TO USA, FVEY)~~ FISA data was not afforded the proper protection because of an oversight during a research and development effort. NSA researchers did not include FISA data in the development of [redacted], so software to properly label FISA data was not built into the program. [redacted] The mistake was corrected [redacted] researchers with access to the data were cleared for FISA access.

(b)(1)
(b)(3)-P.L. 86-36

~~(S//SI//NF)~~ [redacted] an NSA analyst entered U.S. identities in [redacted] This security violation was discovered by the Chief of the [redacted] the chief deleted the entries containing U.S. entities and confirmed removal from the [redacted] No reporting or dissemination of the U.S. entities occurred.

(b)(3)-P L. 86-36

(U) Improper Data Transfer

(b)(1)
(b)(3)-P L. 86-36
(b)(3)-50 USC 3024(i)

~~(S//SI//NF)~~ Human error resulted in the introduction of U.S. person selectors in a software upgrade test. [redacted] an NSA contractor used unminimized SIGINT collection to test information transfer between two NSA systems. The data was to have been minimized before it was sent from one system to the other. During a system check [redacted] the mistake was found and the files were purged the same day.

(U) Minimization

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an NSA technical director identified a possible weakness with the minimization of FAA and PAA data [redacted] and related graphical user interface have been disabled pending further research. The NSA Inspector General will track corrective action through completion.

(b)(1)
(b)(3)-P L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(U) Premature Access

~~(S//SI//REL TO USA, FVEY)~~ Accesses to sensitive NSA databases were not terminated when [redacted] NSA analysts were assigned to work with the [redacted] The NSA analysts accessed the databases periodically from [redacted] Access to unminimized and unevaluated SIGINT by NSA analysts was approved for that location on [redacted]

~~(TS//SI//REL TO USA, FVEY)~~ Additionally, NSA analysts working with the [redacted] were accessing SIGINT databases without authority. Access [redacted] which NSA analysts had since [redacted] was terminated [redacted] while the request for renewed access was processed. In a second instance, a similar access incident occurred. [redacted] NSA analysts at [redacted] had access to

(b)(1)
(b)(3)-50 USC 3024(i)
(b)(3)-P L. 86-36

(b)(1)
(b)(3)-P L. 86-36

SIGINT databases without the proper approval. Analysts are prohibited from logging into the databases while the access approval is pending. In both instances, the requests for access had not been completed by the parent NSA organization.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(S//REL TO USA, FVEY)~~ A software error resulted in premature approval to access FAA and PAA data in an NSA database. The NSA/CSS [redacted] is authorized to approve requests for SIGINT database access, while the SID approves access to the [redacted] While approving SIGINT database access, a software error enabled [redacted] approval by the [redacted] This weakness was identified, reported, and corrected during an [redacted] access review [redacted] An examination of [redacted] accesses revealed that one [redacted] analyst had access to [redacted] The analyst did not publish reports containing FAA or PAA data.

(b)(1)
(b)(3)-P.L. 86-36

(U) Unauthorized Access

(U//~~FOUO~~) During the quarter, an analyst's access to SIGINT databases was not terminated by a Cryptologic Center upon completion of temporary additional duty on one occasion. Although the analyst was cleared for access, losing organizations must terminate access sponsorship, and the gaining organizations must sponsor database access. This mandated practice is an oversight internal control.

(U) Computer Network Exploitation (CNE)

~~(TS//SI//REL TO USA, FVEY)~~ [redacted]

- [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

- [redacted]
- [redacted]

[redacted]

~~(TS//SI//NF)~~ [redacted] (b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

(U) Dissemination (b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

~~(S//REL TO USA, AUS, GBR, NZL)~~ [redacted] NSA terminated [redacted] While researching the problem, NSA recognized and rectified weaknesses with additional oversight internal controls. Specifically, steps were taken to verify USSID SP0018 training for the account holders, ensure auditors are assigned to each analyst, [redacted] to block known U.S. person information. [redacted] limited access was restored [redacted] was restored on ~~(C//NF)~~ [redacted] data that was not releasable to [redacted] e-mails were deleted upon recognition. Computer Security Incident Reports were submitted to NSA.

~~(S//SI//REL TO USA, FVEY)~~ [redacted] (b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

- ~~(S//SI//REL TO USA, FVEY)~~ In [redacted] instances NSA analysts [redacted] that contained U.S. person information to the [redacted] In the first [redacted] instances, which occurred on [redacted] a [redacted] The [redacted] instance occurred on [redacted] when the [redacted] was in the United States. The [redacted] destroyed the intercept and notified NSA of the incidents. (b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

(b)(1) (b)(3)-P.L. 86-36

- ~~(S//SI//REL TO USA, FVEY)~~ [redacted] containing U.S. person information was [redacted] (b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i) when collection was [redacted] A U.S. analyst noticed the U.S. person information [redacted] NSA [redacted] has begun working with the [redacted] to establish formal procedures for handling U.S. person information.

(b)(3)-P.L. 86-36 (b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

(U) **Counterintelligence Activities**

(U) Nothing to report.

(U) **Intelligence-related Activities**

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(S//SI//NF)~~ To reduce the risk of unauthorized telephony collection and prevent violations, NSA instituted a process to give analysts greater and faster insight into a target's location. [redacted] When collection occurred, it was purged from NSA databases.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ [redacted] NSA analysts found that [redacted] e-mail selectors [redacted] this quarter. Collection that occurred in [redacted] of the [redacted] instances was purged from NSA databases.

~~(C//REL TO USA, FVEY)~~ Although not violations of E.O. 12333 and related directives, NSA/CSS reports [redacted] instances in which database access was not terminated when access was no longer required. Once identified, the accesses were terminated.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ Collection occurred on U.S. persons because of a [redacted] with the [redacted] and the data collected as a result of the malfunction was purged from the database.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

**2. (U//~~FOUO~~) NSA OIG Intelligence Oversight Inspections, Investigations, and Special Studies.**

(U//~~FOUO~~) During this quarter, the OIG reviewed various intelligence activities of the NSA/CSS to determine whether they had been conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and Department of Defense and internal directives. With few exceptions, the problems uncovered were routine and showed that operating elements understand the restrictions on NSA/CSS activities.

(U//~~FOUO~~) **NSA/CSS Threat Operations Center**

(U//~~FOUO~~) An NSA OIG inspection found that the intelligence oversight within NTOC is appropriately managed and compliant with standing regulations. NTOC has established effective

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

management controls to ensure that [redacted] authorities are properly executed on the NTOC operations floor. Based on training statistics reviewed, the inspector found a 95 percent rate of compliance for intelligence oversight training.

(U//~~FOUO~~) **Alleged Unauthorized Disclosure of Classified Information**

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ The [redacted] is conducting an investigation into the release of a SIGINT report to an [redacted] intelligence officer before the report was sanitized or vetted for proper release. The data disseminated [redacted] included NSA data that is potentially a significant compromise of SIGINT capabilities. The OIG will track this action through completion.

(b)(1)
(b)(3)-P.L. 86-36

(U) **Congressional, IOB, and DNI Notifications.**

(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ [redacted] NSA/CSS notified the Majority Staff Director of the Senate Select Committee on Intelligence of the process to resolve the Business Records matter, provide additional information to the Committee on other matters that have been addressed previously to the Committee, and to notify the Committee of one additional matter which was only recently identified. A copy of the four part notification is included as an addendum to this report.

**3. (U) Substantive Changes to the NSA/CSS Intelligence Oversight Program.**

(U) Nothing to report.

**4. (U) Changes to NSA/CSS published directives or policies concerning intelligence, counterintelligence, or intelligence-related activities and the reason for the changes.**

(U) Nothing to report.

**5. (U) Procedures governing the activities of Department of Defense (DoD) intelligence components that affect U.S. persons (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to Intelligence Oversight Programs.**

(U) Nothing to report.